

216-2

2024:PHHC:024476

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-47546-2021

Date of decision:21.02.2024

Gola

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of regular bail under Section 439 of the Cr.P.C. in case FIR No. 189 dated 31.08.2019 under Sections 308/148/149 IPC registered at Police Station City Sangrur in which challan under Section 308, 323, 201, 148, 149, 120-B IPC has been presented and later on offence under Section 308, 201 IPC were deleted and supplementary challan has been presented under Sections 302, 323, 120-B, 148, 149 IPC during the pendency of the trial.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 19.12.2019 and till date the trial has not concluded. Hence, on this ground alone, he deserves to be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on

instructions from ASI Hakam Singh has not disputed the custody period of the petitioner. However, he submits that the trial has been delayed on account of an application under Section 319 Cr.P.C. having been allowed resulting in a *denovo* trial. Learned State counsel has further submitted that the petitioner is the prime accused who inflicted all the fatal injuries on the deceased. It has also been submitted that the case rests on eye-witness account and the complainant/eye witness had categorically spelt out the role played by the petitioner in the murder of Jaswinder Singh on 30.08.2019, and while stepping into the witness box supported the case of the prosecution in its entirety. He has submitted that since it was a prompt FIR, there could have been no occasion for the complainant to come up with a false or fabricated version against the petitioner. Learned State counsel has further submitted that next date fixed before the trial Court is 24.03.2024 when some more witnesses are likely to be examined.

4. The case in hand is based on eye witness account. The petitioner has been attributed the fatal injuries on the deceased coupled with the complainant supporting the case of the prosecution. Hence, in the facts and circumstances, the petitioner does not deserve to be enlarged on bail though undoubtedly he has been in custody since 19.12.2019. The contention of the learned counsel that on account of his long incarceration he deserves bail will not warrant acceptance of his prayer for regular bail; the petition under Section 439 Cr.P.C. of accused Kulwinder Singh @ Duni has been dismissed by this Court by even date wherein specific directions have already been given to the trial Court to conclude the trial

expeditiously within the next six months. Thus, the trial would not take much time to conclude now.

5. Dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.02.2024

Divyanshi

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No